

ORDINANCE NO. 08-71

ORDINANCE GRANTING A VARIANCE TO ALLOW 5 PARKING SPACES, WHERE AT LEAST 8 PARKING SPACES ARE REQUIRED, TO ALLOW ALL PARKING SPACES TO BACK OUT INTO THE RIGHT-OF-WAY ON PROPERTY ZONED R-3 (MULTIPLE-FAMILY DISTRICT) WITH LAND USE CLASSIFICATION OF MEDIUM DENSITY, WHERE BACK OUT PARKING IS ALLOWED ONLY IN LOW DENSITY RESIDENTIAL DISTRICTS, TO ALLOW AN EAST SIDE SETBACK OF 7.5 FEET, WHERE AT LEAST 10 FEET ARE REQUIRED, AND TO ALLOW A WEST SIDE SETBACK OF 7.2 FEET, WHERE AT LEAST 10 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-2189(19)b., 98-2190 AND 98-590. **PROPERTY LOCATED AT 365-367 EAST 16 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hialeah, Florida at its regular meeting of August 12, 2008 directed the Law Department to provide this ordinance overriding the Planning and Zoning Board's recommendation of denial at its meeting of June 25, 2008; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow 5 parking spaces, where at least 8 parking spaces are required, to allow parking spaces to back out into the right-of-way on property zoned R-3 (Multifamily District) with Land Use classification of Medium Density, where back out parking is allowed only in Low Density Residential Districts, to allow an east side setback of 7.5 feet, where at least 10 feet are required, and to allow a west side setback of 7.2 feet, where at least 10 feet are required, contra to Hialeah Code § 98-2189(19) b., 98-2190 and 98-590, which

provide in pertinent part: “*Residential developments. B. Medium and high density. Two parking spaces for one or two bedrooms, and one-half parking space for each additional bedroom.*”, “In all zoning districts, the parking area shall be so arranged that there is no backout into an adjacent private or public street or right-of-way, except for those lots in low density residential districts or developments.” and “In the R-3 multiple-family district, there shall be side yards, and the width of each shall not be less than ten feet.” respectively. Property located at 365-367 East 16 Street, Hialeah, Miami-Dade County, Florida, zoned R-3 (Multiple-Family District), and legally described as follows:

LOT 16, IN BLOCK 88, OF THE AMENDED PLAT OF
FIRST ADDITION TO TOWN OF HI-A-LE-AH,
ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 5, PAGE 122, OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

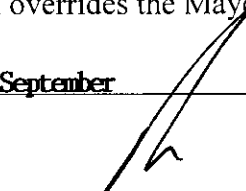
Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 9th day of September, 2008.



Esteban Bovo
Council President

Attest:

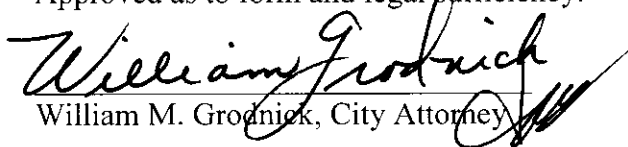
Approved on this 10 day of September, 2008.

Rafael E. Granado, City Clerk

MAYOR'S SIGNATURE WITHHELD

Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0-1 vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, and Yedra voting "Yes" and Councilmember Garcia-Martinez absent.